

### III. REMARKS

In the Office Action, claims 1-4, 7, 13 and 15 were allowed.

Claims 5-6, 8, 10-12 and 14 were rejected under 35 U.S.C. 103 as being unpatentable over Eichinger (US 6,370,374) in view of Ogasawara (US Pub. 20020016740) for reasons set forth in the Action. Claim 9 was rejected under 35 U.S.C. 103 as being unpatentable over Eichinger in view of Ogasawara and Hayek (US 6,224,254) for reasons set forth in the Action.

The following argument is believed to overcome the foregoing rejections so as to secure allowance of the rejected claims.

With respect to the cited references, Eichinger discloses a conventional wired SIM card, and it is mentioned in the reference that a part of all of the data on the SIM card can also be stored in the terminal (column 4, lines 38 to 44); that is, the user data can be looked at in the terminal.

Ogasawara discloses a smart card or a customer ID card (column 4, paragraph 0038, to column 5, paragraph 0040) which can be used for wireless access into a service. The reference states that the card comprises means for transmitting and receiving information in a wireless manner (column 4, paragraph 0038). This reference does not relate to a mobile communication network nor a SIM card. In Ogasawara, the customer card and a picture of the customer are used for customer identification, and the customer data are transmitted to terminals in a store (see abstract, column 1, paragraph 001).

The Examiner has combined the subject matter of the foregoing different references and finds that the present invention is obvious on the basis of these references. Claims 5 and 10 have been rejected because Eichinger discloses a conventional wired SIM card, and it is naturally known that user data on a conventional SIM card is examined when the mobile phone is turned on (page 5 of the Office Action). However, Eichinger does not relate to the transmission of user data in a wireless manner, as the present invention does; nor does Ogasawara present the examination of user data in connection with turning on a wireless communication device.

It appears that the teaching of Ogasawara simply shows that technology exists for wireless transmission of person's identification data. One can browse in a library and find all sorts of technological data. The primary concern is whether there is a motivation, presented in the cited references, to combine the technological data of Ogasawara. The examiner admits that Eichinger fails to teach the wireless transmission of the identification data (Office Action on page 3 at lines (6-7)). Further, it is observed that cellular telephony and mobile communication systems are not discussed by Ogasawara. In the absence of a suggestion in the cited art for a combination of these teachings, there can be no motivation to combine these references. Nevertheless, the Examiner has combined it with Ogasawara against claims 5 and 10 on the grounds that the latter reference presents the wireless data transmission from a customer card (page 3 of the Office Action).

It is emphasized there is no motivation to combine the references because Ogasawara does not present a SIM card nor a wireless communication device in a mobile communication network.

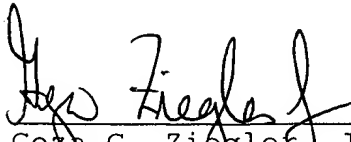
While Eichinger does relate to a mobile communication network, Ogasawara does not; therefore, these references do not relate to the same field and there is no motivation to combine them. In Ogasawara, the terminals are placed inside a store, and they are not wireless communication devices of a mobile communication network (abstract; column 1 paragraph 001; column 5 paragraph 0043). The reference states further that the terminals can be terminals 30, work stations 32 or mobile terminals 34 in a sales point (column 5, paragraph 0043; Fig. 7).

In order to emphasize the foregoing distinction between the present invention and the teachings of the cited art, independent claims 5 and 10 are amended to state that the wireless communication device is a wireless communication device of a mobile communication network. With this distinction, it is urged that this amendment in conjunction with the foregoing argument has overcome the grounds of rejection to secure allowance of claims 5 and 10 and their respective dependent claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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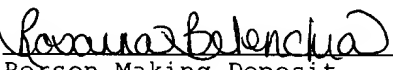
28 April 2004  
Date

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